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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/964,852	09/28/2001	Pekka Talmola	004770.00024	2368
22907 7590 03/19/2008 BANNER & WITCOFF, LTD. 1100 13th STREET, N.W. SUITE 1200 WASHINGTON, DC 20005-4051			EXAMINER BROWN, RUEBEN M	
			ART UNIT 2623	PAPER NUMBER
			MAIL DATE 03/19/2008	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

09/964,852

Applicant(s)

TALMOLA ET AL.

Examiner

REUBEN M. BROWN

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3-18,20-33 and 36-39 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1,3-18,20-33 and 36-39 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/ are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1) ☒ Certified copies of the priority documents have been received.
 - 2) ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3) ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 11/19/2007 has been entered.

Response to Arguments

2. Applicant's arguments filed 11/19/2007 have been fully considered but they are not persuasive. Applicant argues that since Hylton does not teach that the shared processing system 10 also distributes locally stored programming, that such an enhancement would destroy the intended purpose or either would be unworkable within the environment of Hylton. In particular, it is argued on page 10 that in Hylton the user selects a program with remote control 85 and that the shared processing system 10 in turn transmits a program signal. Applicant then states, that "there would be no reason to modify Hylton to re-multiplex at least part of the data stream with locally stored data because the STT 100 could not identify the intended signal. Examiner

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respectfully disagrees and points out that the claimed does not require that the locally stored data is re-multiplexed, but that the data stream received from the first transmissions re-multiplexed with the locally stored data.

Therefore the locally stored data, already having been stored in MPEG format, as taught by Knudson, only needs to be added to the data stream, i.e., video programming that has been received externally from the gateway and is being transmitted throughout the premises in MPEG format.

Hylton teaches that the shared processing system 10 receives streams data, de-multiplexes the instant streams of data and broadcast the programs by wireless multiplexing, then modulation to the appropriate STT 100.

Claim Rejections - 35 USC § 103

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

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4. Claims 1, 3-4, 10, 15-18, 20, 24, 27, 36-39 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hylton, (U.S. Pat # 5,708,961), in view of Knudson, (U.S. PG-PUB 2005/0204387).

Considering claims 1 & 10, the claimed method of distributing a data stream locally, comprising;

‘receiving at a gateway first transmission via a digital broadcast network by means of a gateway terminal’ is met by the shared processing system 10, in Hylton, Fig. 1, which receives video programming from a Digital Broadband Network 5.

‘processing the first transmission at the gateway, resulting in wireless digitally modulated local broadband second transmission including de-multiplexing the first transmission and re-multiplexing/re-transmitting at least part of the data stream of the first transmission as wireless digitally modulated local broadband’ is met by the discussion in Hylton that video programming is received from the Digital Broadband Network 5, processed and the multiplexed & retransmitted within the user home wireless network, via a modulator 17, see col. 4, lines 55-67; col. 6, lines 19-44 & Fig. 1.

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‘receiving the wireless digitally modulated broadband second transmission by at least one multimedia terminal’, is met by the operation of the set top terminal 100, col. 7, lines 35-67 thru col. 8, lines 1-45.

The amended claimed feature wherein the processing, ‘includes de-multiplexing a data stream of each of the transmission’, Hylton discloses at least two embodiments of the shared processing system 10 that shows that the program selectors 13 are comprised of MPEG de-multiplexers or ATM de-multiplexers (Fig. 7; Fig. 9; col. 29, lines 60-67 thru col. 30, lines 1-29; col. 36, lines 55-60).

Regarding the amended claimed feature of, ‘re-multiplexing at least part of the data stream with a locally stored data resulting in the wireless digitally modulated transmission’, Hylton teaches that the video programming from the Digital Broadband Network 5 is de-multiplexed by the Program Selectors 13, before being transmitted to the set top terminals 100, Fig. 9; col. 42, lines 63-67 thru col. 43, lines 1-15.

However, Hylton does not teach storing data locally. Nevertheless, Knudson teaches locally storing and distributing video data, at least to and from secondary storage device 32 or 47/49, see Fig. 3; Fig. 4; Para [0070 & 0077-0078]. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Hylton to store data locally, for the desirable advantage of allowing the subscriber to maintain a library of video

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programs, thereby providing the user with opportunity to store and access the plurality of programs at the user's convenience

Considering claim 3, the secondary storage device and/or digital storage device of Knudson, meets the claimed subject matter.

Considering claims 4 & 37, the claimed subject matter is met by the combination of Hylton & Knudson.

Considering claim 15, the modulator 17 in Hylton, at least uses QAM, col. 6, lines 18-30.

Considering claim 16, Hylton teaches that two-way signaling uses the 902-928 MHz frequency band, col. 8, lines 18-34.

Considering claim 17, the claimed feature is broad enough to read on the discussion in Hylton that video programming and signaling uses frequency hopping techniques.

Considering claim 18, the claimed apparatus comprises elements that correspond with subject matter mentioned above in the rejection of claims 1 & 10, and is likewise treated. As for the additionally claimed, 'memory', the controller 19 of Hylton meets the claim, see col. 8, lines 45-67.

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Considering claim 20, the claimed limitation is met by the combination of Hylton & Knudson, as discussed in claim 1.

Considering claim 24, the claimed subject matter reads on the disclosure in Knudson of receiving and storing video programming locally, Para [0070-0073].

Considering claim 27, the claimed wireless link between the apparatus and the terminal, reads on the path utilized by the modulator 17 between the shared processing system 10 and the STT 100.

Considering claim 36, both Hylton & Janik, disclose technology supporting two-way wireless communication.

Considering claim 38, Hylton does not discuss any of the devices operating as an alarm system. Official Notice is taken that at the time the invention was made, it was known in the art to provide an alarm system in local cable network. It would have been obvious for one ordinary skill in the art at the time the invention was made, to modify the combination of Hylton & Knudson with an alarm system, at least for the desirable benefit of providing additional security for the user.

Considering claim 39, Hylton & Knudson are directed to transmission of video programming.

5. Claims 5-9, 13-14, 22-23, 29, 31 & 33 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hylton & Knudson, further in view of Candelore, (U.S. PG-PUB 2002/0188567).

Considering claims 5-9, 13-14, 22-23, Hylton does not discuss any aspects of scrambling video data. Nevertheless, Candelore discloses that scrambling is a technique used to restrict video programming to only authorized viewers. Regarding claim 6, Candelore goes on to teach that a video program may be broadcast through the air in scrambled form, then descrambled by the receiver 110 (descrambler unit 340) in order to be shown on display 160, and also re-scrambled by Re-Scrambler Unit 350, in order for storage in the Hard Disk Recording Unit 150, see Para [0041-0046]. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Hylton with the feature of re-scrambling a received video program, for the benefit of allowing the content provider greater control over its reproduction, as taught by Candelore, see Para [0009-0012], [0048].

As for the additionally claimed feature of a password, Candelore teaches that a viewer needs to fulfill certain requirements in order to view scrambled content, such as timely purchase via various pay for view scenarios, Para [0059], but does not discuss the use of a password to additionally control access. Official Notice is taken that at the time the invention was made, the use of password protection to restrict accounts to authorized account holders was old in the art. It would have been obvious for one of ordinary skill in the art at the time the invention was made,

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to modify the combination of Hylton & Candelore to use password protection, for the known purpose of preventing unauthorized users from access the subscriber's account.

Considering claim 29, the claimed apparatus comprises elements that correspond with subject matter mentioned above in the rejection of claims 1 & 5-6 , and is likewise analyzed.

Considering claims 31 & 33, the claimed feature is met by the wireless link proved by the modulator 17 of Hylton.

6. Claims 11-12, 21 & 28 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hylton & Knudson, in view of Janik, (U.S. Pat # 7,107,605).

Considering claims 11-12, the claimed second transmission in a frequency allocated for free use, such as an ISM frequency, Hylton discloses that the modulator 17 may transmit the programming to terminals using channels that are the same or similar to a broadcast TV channel, col. 6, lines 18-35. However, Hylton does teach that the signaling messages between the set top terminals and the shared processing system 10 are transmitted in the one of the ISM bands, (902-928 MHz), see col. 8, lines 18-34; col. 19, lines 24-56 & col. 20, lines 1-30.

Hylton though, does not specifically disclose that the video data may be transmitted in one of the ISM bands. Nevertheless Janik, which is in the same field of endeavor, teaches a

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wireless home network alternatively operating in an ISM band (2.4 GHz), col. 1, lines 45-67 & col. 5, lines 8-31. It would have been obvious for one of ordinary skill in the art at the time the invention was made, to modify Hylton with the technology of alternatively transmitting the video programming in the ISM band, as disclosed by Janik at least for the known advantage of more easily avoiding interference in the other bands.

Considering claim 21, the claimed elements of a gateway terminal for receiving and transmitting data stream that correspond with the features presented in claim 1, are likewise treated. The additionally claimed feature of, 'the second transmission by a broadband digital transmission at a frequency allocated to free use', corresponds with subject matter mentioned above in the rejection of claims 11-12, and is likewise treated.

Considering claim 28, the combination of Hylton & Janik (col. 5, lines 11-30; col. 6, lines 1-67) reads on the claimed subject matter.

7. Claims 25-26, 30 & 32 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hylton, Knudson & Janik, further in view of Candelore.

Considering claims 25, the MPEG converter in Hylton is included within the set top terminal, col. 14, lines 55-67 thru col. 15, lines 1-30. However, as discussed in the rejection of claims 5-6, Candelore discloses descrambling, then re-scrambling a video program. The claimed

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MPEG A/D converter corresponds with discussion in Knudson that analog video may be received and stored in the secondary storage device in digital format, Para [0068-0070].

Regarding the claimed ISM frequency, as discussed above regarding claims 11-12, Janik teaches the claimed subject matter.

Considering claim 26, Hylton discloses QAM modulation.

Considering claims 30 & 32, Hylton (Fig. 7; col. 29 & col. 30) & Janik (col. 1, lines 45-67 & col. 5, lines 8-31) disclose all subject matter.

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Any response to this action should be mailed to:

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or faxed to:

(571) 273-8300, (for formal communications intended for entry)

Or:


(571) 273-7290 (for informal or draft communications, please label
"PROPOSED" or "DRAFT")

Any inquiry concerning this communication or earlier communications from the examiner should be directed to REUBEN M. BROWN M. Brown whose telephone number is (571) 272-7290. The examiner can normally be reached on M-F(8:30-6:00), First Friday off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Christopher Kelley can be reached on (571) 272-7331. The fax phone numbers for the organization where this application or proceeding is assigned is (571) 273-8300 for regular communications and After Final communications.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Reuben M. Brown


REUBEN M. BROWN
PATENT EXAMINER